

**JUDICIAL CONFERENCE OF INDIANA  
SPECIAL COURTS COMMITTEE**

MINUTES  
September 12, 2001

A meeting of the Special Courts Committee was held in the Chamber Room of the Westin Hotel at the Annual Judicial Conference on Wednesday September 12, 2001, beginning at approximately 10:05 A. M., local prevailing time.

1. Committee Members, guests, and staff present.
  - a. The following Members of the Committee were present:  
  
Hon. Robert B. Mrzlack, Chair; Hon. Richard D. Culver; Hon. Fred H. Hoying; Hon. R. Jerome Kearns; Hon. David E. Northam; and Hon. Joel D. Roberts.
  - b. The following member of the staff of the Indiana Judicial Center was present: Thomas R. Hamill, Staff Attorney, Research Division.
2. Old Business.
  - a. Minutes of the Committee's previous meeting, held on August 17, 2001, are informally summarized here.  
  
Hon. Mrzlack, Chair, and Hon. Kearns, Northam, and Roberts did attend the August 17, 2001 meeting.  
  
The following Guests of the Committee were present:  
  
Jane Seigel, Director of the Indiana Judicial Center;  
Hon. Justice Frank Sullivan, Jr., Indiana Supreme Court;  
Melanie J. Schwartz, Chief Deputy Commissioner, Indiana Bureau of Motor Vehicles;  
Tamara Brown, Chief Legal Counsel, Indiana Bureau of Motor Vehicles;  
Annette Lopez, Director, Div. Driver Improvement, Indiana Bureau of Motor Vehicles [hereinafter "BMV"]; and  
Kelly Campbell, Office of the Court Administrator, Marion County Superior Court.

A discussion was held; the following problem was identified. There presently exists too wide a variance in language used by county officials - - (local clerks and possibly judges) - - when abstracts of judgment are prepared. BMV officials presented examples of language miscommunication. Justice Sullivan proposed to solve this problem: (a) by establishing a common language of defined terms; (b) by training clerks and judges in the use of this language; and (c) by developing (and potentially adopting by Supreme Court rule promulgation) a standard set of abstract of judgment forms that must be used when communicating

judgment information to the BMV; forms must be capable of electronic transmission via the internet. The 'new business' portion of the August 17, 2001 meeting ended with all present agreeing to begin Justice Sullivan's solution process. BMV officials agreed to prepare and transmit an initial set of proposed abstract of judgment forms to Hon. Mrzlack, Chair, for distribution to Committee members for review/revision.

b. Copies of the documents listed, described and referenced below were distributed at the meeting:

- (1) Draft of Proposed Form [does not cover prosecutor deferral program] - - {Document marked as "1"};
- (2) Memo - "The Real Problem . . . " - - {Document marked as "2"};
- (3) Memo - ". . . Search/Arrest Warrants in Felonies" - - {Document marked as "3"};
- (4) Membership List - - Effective to Sept. 2002 - - {Document marked as "4"}.
- (5) Stewart - - Court of Appeals decision - - {Document marked as "5"}.

c. Action.

Judge Culver moved that City/Town Manual be completed by Dec. 7, 2001 meeting. The motion passed by acclamation.

Judge Northam is doing infractions/ordinances.  
Judge Culver is doing misdemeanors.  
Judge Hoying is doing search/arrest warrants.  
Judge Mrzlack is doing 'Housekeeping Matters'.  
Judge Hoying is looking as Title 14 violations.

d. The Committee discussed contents of an 'initial hearing advisement' written form.

e. Action.

The Committee discussed whether to address the practice of having the police distribute a second form/document to the infraction/ordinance defendant/violator or to adopt Hamill's proposed form. By acclamation, Hamill's proposed form was rejected. By acclamation, the Committee voted to continue silence in the proposed City/Town Manual revision on use/distribution of this second form/document.

3. New Business.

a. Staff Attorney Hamill raised an issue submitted by Judge Jeffrey R.

Heffelfinger of Huntington County. Issue: does Small Claims Rule 8 apply to limited liability companies?

Action.

After discussion, by acclamation the Committee agreed that Small Claims Rule 8 does apply to limited liability companies because these entities are included within the general scope of the word "corporation".

- b. Chair Mrzlack noted that most Committee members have received mail from Judge Witte regarding participation in a survey.

4. Next Meetings.

The Committee scheduled the next Committee meeting for Friday, October 19, 2001 at the offices of the Indiana Judicial Center located in Indianapolis, Indiana at 10:00 A. M., local time then prevailing. This is a work session on the City/Town Manual revision; a pizza lunch will be provided. Goal is to agree upon a City/Town Manual format and to obtain progress reports on assignments.

The Committee scheduled another Committee meeting for Friday, November 2, 2001 at the offices of the Indiana Judicial Center located in Indianapolis, Indiana at 10:00 A. M., local time then prevailing. This is a work session on the City/Town Manual revision; a pizza lunch will be provided. Goal is to turn in to Staff Attorney Hamill all written assignments - - [hard copy + diskette in any format is preferred.]

The Committee scheduled another Committee meeting for Friday December 7, 2001 at 10:00 A. M., local time then prevailing at the Annual Winter Conference. Goal is to vote on final City/Town Court text and to authorize Chair to issue letter authorizing publication/distribution.

5. Adjournment.

Action: With no further business coming before the Committee, the meeting was adjourned by acclamation at approximately 11:35 A. M., prevailing local time.

Respectfully submitted,

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Thomas R. Hamill  
Staff Attorney